IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID GRITZ, individually and on behalf of all others similarly situated,) Case No.: 5:16-cv-01437-JFL
Plaintiff,)
v.)
LENDTUIT HOLDING CORPORATION, a California corporation, FINANCE STORE, INC., a Nevada corporation, FINANCE AGENTS, INC., a California corporation, and TIMOTHY "TIM" MCCORMACK, individually,)))))
Defendants.)) _)

STIPULATION OF DISMISSAL

Plaintiff David Gritz ("Plaintiff" or Gritz") and Defendants, through their counsel, stipulate as follows:

- 1. Plaintiff filed this putative class action against Defendants.
- 2. The parties have negotiated a settlement of Plaintiff's individual claims.

 Based upon the settlement, Plaintiff has agreed to dismiss with prejudice his individual claims against Defendants.
- 3. The dismissal of this case is without prejudice as to all putative, unidentified class members, if any.
- 4. Fed. R. Civ. P. 41(a)(1)(A)(ii) allows the parties to stipulate to the dismissal of an action at any time. Rule 23(e) does not limit the right to stipulate to dismissal of this action because it only applies to certified classes, and no class has been certified in this matter. No notice is required to putative class members under Rule 23(e) since the settlement and dismissal of Plaintiff's individual claims does not bind them in

any way.

Accordingly, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff and Defendants agree that the action shall be dismissed in its entirety and with prejudice with respect to the claims alleged by Plaintiff individually against Defendants, and without prejudice as to any claims alleged by the putative, uncertified class against Defendants.

Plaintiff and Defendants further agree that each party shall bear his or its own costs and attorney fees.

IT IS SO STIPULATED.

Dated: October 26, 2016 Respectfully submitted,

/s/ Barry L. Cohen
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